

September 27, 1995  
OPINION 95-386

Lt. Anthony L. Christiana, Jr.  
City of Gretna Police Department  
200 Fifth Street.  
Gretna, LA 70053

OPINION 95-386

71-1-1 Municipal Fire & Police Civil Service  
LSA-R.S. 33:2214

Dear Mr. Christiana:

The Gretna Police Department cannot use the fact that its patrol personnel work twelve-hour tours of duty to extend the "fifteen day" vacation requirement provided for in R.S. 33:2214.

This letter is in response to your request for an opinion of this office regarding computation of vacation time for police officers in the City of Gretna. Specifically, you ask whether "fifteen days" of statutorily mandated vacation time as provided in LSA-R.S. 33:2214 varies according to the hourly shifts worked by the employees in question. Patrol police officers in the City of Gretna utilize 12 hour shifts, but average a 40 hour work week.

The Louisiana Supreme Court in *New Orleans Firefighters Association Local 632, et al. v. City of New Orleans et al.* 269 So.2d 194 (La. 1972) held that "calendar days," rather than work shifts, were to be used in calculation of vacation time. Therefore, the Gretna Police Department may not use the fact that their patrol officers work twelve-hour shifts rather than eight-hour shifts to contradict that interpretation.

We conclude that "fifteen days" mandated annual vacation leave refers to fifteen eight-hour calendar days. The police officer is then entitled to a total vacation period of 120 hours annually.

If this office can be of any assistance on this or any other matter, please let us know.

Sincerely,

RICHARD P. IEYOUB  
ATTORNEY GENERAL

BY: \_\_\_\_\_  
KERRY L. KILPATRICK  
ASSISTANT ATTORNEY GENERAL

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Date Received:

Date Released: September 27, 1995

KERRY L. KILPATRICK  
ASSISTANT ATTORNEY GENERAL